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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 RELIASTAR LIFE INSURANCE COMPANY,

11 Plaintiff,

12 v.

13 GRANDHILLS RESORT AND COUNTRY
14 CLUB, INC., and PATRICK HOWERTER,

15 Defendants.
16

CASE NO.: 2:14-cv-01157-JCM-PAL

**STIPULATED DISCOVERY PLAN AND
SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW
REQUESTED**

17 The Parties, by and through their undersigned counsel, do hereby stipulate and agree that
18 the following shall constitute the discovery plan and scheduling order in this matter, pursuant to
19 Fed. R. Civ. P. 26(f), LR 22-2 and LR 26-1(e):

20 A. **Local Rule 22-2 and Fed. R. Civ. P. 26(f) Conference:** On November 20, 2014,
21 the Parties participated in a telephone conference to discuss issues required by LR 22-2 and Fed.
22 R. Civ. P. 26(f). Donna M. Wittig, Esq., counsel for Plaintiff Defendant Patrick Howerter
23 (“Howerter”), Ketan D. Bhirud, Esq. and Mathew Tribolet, Esq., counsel for Plaintiff ReliaStar
24 Life Insurance Company (“Plaintiff”), and H. Stan Johnson, Esq., counsel for Defendant Grand
25 Hills Resort and Country Club, Inc. (“Grand Hills”), participated in the conference.

- 26 1. **Discovery Cut-Off Date:** Defendant Howerter first appeared in this case
27 by filing his Answer on August 18, 2014. Defendant Grand Hills first
28 appeared in this case by filing its Answer on August 21, 2014, and a

1 Second Answer on August 22, 2014. Discovery shall close on May 19,
 2 2015, one hundred eighty (180) days from the date of the Rule 26(f)
 3 Conference.

4 2. **Statement Regarding Longer Discovery Period (LR 26-1(d)):** The
 5 Parties request a longer discovery period than set forth in LR 26-1(e)
 6 because Plaintiff filed its Motion for Order Setting Scheduling Conference
 7 on September 17, 2014, after which time the Parties appeared for a
 8 Scheduling Conference on October 9, 2014. At the Scheduling
 9 Conference, the Court (1) directed the Parties to meet and confer about a
 10 protective order, which they did, in order to obtain a copy of Plaintiff's
 11 claims file, and (2) directed the Parties to either file a Stipulated Discovery
 12 Plan or appear at a second Scheduling Conference. The Parties appeared
 13 at the second Scheduling Conference on November 14, 2014, after having
 14 received Plaintiff's claim file the day prior. Following the Scheduling
 15 Conference, the Parties held their Rule 26(f) conference and agreed to 180
 16 days would be needed for discovery. To allow sufficient time for
 17 discovery, the Parties stipulate to 180 days from the date of the Rule 26(f)
 18 Conference.

19 3. **Amending the Pleadings and Adding Parties:** All motions to amend the
 20 pleadings or to add parties shall be filed not later than February 18, 2015,
 21 ninety (90) days before the discovery cut-off date.

22 4. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):** Disclosures concerning
 23 experts shall be made by March 20, 2015, sixty (60) days before the
 24 discovery cut-off date. Disclosures of rebuttal experts shall be made by
 25 April 20, 2015, thirty (30) days after the initial disclosure of experts.

26 5. **Dispositive Motions:** The date for filing dispositive motions shall be no
 27 later than June 18, 2015, thirty (30) days after the discovery cut-off date.

28 6. **Pretrial Order:** The date for the filing of the joint pretrial order shall not

be later than July 20, 2015, within thirty (30) days after the date set for filing dispositive motions. In the event that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after decision on the dispositive motions or until further order of this Court. The parties shall include the disclosures required pursuant to Fed. R. Civ. P. 26(a)(3), and any objections thereto, within the pretrial order.

7. **Interim Status Report:** The parties shall file the interim status report required by LR 26-3 by March 20, 2015, sixty (60) days before the discovery cut-off date.

B. **Fed. R. Civ. P. 26(f)(3) Scope of Discovery:** The Parties agree that there should be no changes in the timing, form or requirement for disclosures under Rule 26(a). Initial disclosures will be made December 4, 2014, fourteen (14) days after the Rule 26(f) conference.

1. The Parties agree that discovery should extend to the full extent allowed by the Federal Rules of Civil Procedure and that discovery should not be limited to any particular issue.
2. The Parties do not anticipate at this time that discovery will be required of electronically stored information, or, if required, will not be substantial or voluminous. As a result, the Parties agree that, to the extent there exists electronically stored information responsive to document requests at the time of the requests, it can be produced in hard copy and not native format.
3. The Parties currently do not have any issues regarding the disclosure or discovery of privilege or protection as trial-preparation materials, as such issues were addressed and have been resolved by this Court's issuance of a Stipulated Protective Order [Dkt. 16], entered on November 3, 2014. The Parties agreed that any further production of privileged or protected information can and will be disclosed pursuant to the Stipulated Protective

Order.

C. **Extensions or Modifications of the Discovery Plan and Scheduling Order:**

Pursuant to LR 26-4 governing modifications or extensions of this Discovery Plan and Scheduling Order, any stipulation or motion must be made no later than April 29, 2015, twenty (20) days before the discovery cut-off date and comply fully with LR 26-4.

D. **Settlement:** In accordance with Fed. R. Civ. P. 26(f), the Parties discussed settlement but have not reached any agreement at this time.

E. **Later Appearing Parties:** A copy of this Discovery Plan and Scheduling Order shall be served upon any person served after it is entered or, if additional defendants should appear, within five (5) days of their first appearance. This Discovery Plan and Scheduling Order shall apply to such later appearing parties, unless a stipulation of the parties is approved by the Court, or the Court, on motion for good cause shown, otherwise orders.

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1 F. **Additional Information:** None.

2 G. **Court Conference:** The Parties do not request a conference with the Court
3 before the entry of this Scheduling Order.

4 Dated: 11/24/14

Dated: 11/24/14

5 **HOLLEY, DRIGGS, WALCH,**
6 **PUZEY & THOMPSON**

COHEN | JOHNSON

7 /s/ Donna M. Wittig

/s/ H. Stan Johnson

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12
13 Dated: 11/24/14

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15
16 /s/ Ketan D. Bhirud

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21 *Attorneys for Plaintiff ReliaStar Life Insurance*
22 *Company*

23
24 **IT IS SO ORDERED.**

25 
26 UNITED STATES MAGISTRATE JUDGE

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28 Dated: December 1, 2014